



## Filing Receipt

**Received - 2022-01-04 02:56:05 PM**

**Control Number - 51841**

**ItemNumber - 33**

**PROJECT NO. 51841**

<b>REVIEW OF 16 TAC §25.53</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>RELATING TO ELECTRIC SERVICE</b>	<b>§</b>	
<b>EMERGENCY OPERATIONS PLANS</b>	<b>§</b>	<b>OF TEXAS</b>

**COMMENTS OF OCTOPUS ENERGY**

Octopus Energy, REP License #10262, files these comments in response to the Commission's proposed new 16 Tex. Admin. Code §25.53 (TAC) as published in the Texas Register December 17, 2021.<sup>1</sup> The Commission requested comments be file by January 4, 2022, so these comments are timely filed.

**COMMENTS**

Octopus Energy started as a Retail Electric Provider (REP) in ERCOT in 2019 as Evolve Energy. In 2020, Octopus Energy, based in the UK, purchased Evolve Energy. Octopus Energy's US offices are located in Houston, Texas. Globally, Octopus Energy provides service in the UK, Germany, Japan, Australia, and Spain. While it has only been around 5 years, Octopus Energy serves over 3 million customers globally and has been significantly expanding its operations in ERCOT. Octopus Energy has projects around the world to increase grid flexibility, leading to lower overall costs and stronger energy markets.

Throughout 2021, Octopus Energy has continued to expand its operations in ERCOT. After the bankruptcy of Brilliant Energy, we onboarded thousands of Brilliant Energy customers, honored all of their prior contracts, and increased their purchase of renewable energy to 100% without any additional costs to the customers. We also launched our SuperPower Savings Program where we pay our customers to manage their usage during times of grid stress.

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<sup>1</sup> 46 Tex. Reg. 8414 (Dec. 17, 2021).

As part of its global mission, Octopus Energy prides itself on exceptional customer service. During Winter Storm Uri, Octopus Energy had personnel located outside of Texas on standby to assist customers in ERCOT during the extended outages. The team members included technical and marketing personnel who put their normal jobs on hold to provide customer support. In addition, following the storm, Octopus Energy was the first energy provider to voluntarily announce a Bill Forgiveness program, which helped its customers recover due to fluctuations in wholesale prices on the Texas energy grid. Subsequently, Octopus Energy was named the 2020 Retail Energy Provider of the Year by Energy Marketing Conferences. Octopus Energy's commitment to customer service is further demonstrated by its 4.8-star rating with approximately 58,000 reviews on trustpilot.com.

Based on its experiences, Octopus Energy recommends the following changes to §25.53 as proposed by the Commission:

**§25.53(d)(5)(C):** Octopus Energy agrees with this proposed component of a communication plan, especially ensuring that a REP has procedures in place to communicate with customers during an emergency. However, in order to ensure that a REP can do this, it would be helpful for the Commission require that a REP verify at least annually with their customers that the REP has a current phone number or email address for the customer in case communication during an emergency is necessary. This verification could be accomplished a number of ways, including ping via an app, email, or letter, for example. This should be a component of the procedures the Commission requires REPs to provide to meet this requirement.

**§25.53(d)(7):** As noted above, Octopus Energy relied on personnel located outside of Texas to provide customer service when virtually all of Texas was being adversely affected by Winter Storm Uri. Based on that experience, Octopus Energy recommends that, when an entity is

addressing its plan for staffing during emergency response as proposed by this subsection, an entity also should indicate the plans that have been made to use non-local personnel to support the entity's operational functions during an emergency. As Octopus Energy learned during Winter Storm Uri, having access to personnel located outside the state when the entire state was affected by an emergency was critical to supporting our customers during that period. To include this requirement, Octopus Energy recommends this subsection be revised to read as follows:

(7) A plan that addresses staffing during emergency response, including identification of resources outside of ERCOT to address staffing needs.

### **CONCLUSION**

Octopus Energy appreciates the opportunity to provide these comments and respectfully recommends that the Commission adopt the proposed changes discussed above. Octopus Energy looks forward to working with the Commission and interested parties on these issues.

Respectfully submitted,



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Michael J. Jewell  
Jewell & Associates, PLLC  
State Bar No. 10665175  
8404 Lakewood Ridge Cove  
Austin, TX 78738  
(512) 423-4065  
(512) 236-5170 (FAX)

ATTORNEY FOR OCTOPUS ENERGY

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**COMMENTS OF OCTOPUS ENERGY  
EXECUTIVE SUMMARY**

1. **§25.53(d)(5)(C):** The Commission should require REPs, as a component of their Communications Plan, to verify at least annually that the REP has a current phone number or email address for its customers in case communication during an emergency is necessary.
2. **§25.53(d)(7):** When an entity is addressing its plan for staffing during emergency response, an entity should indicate the plans that have been made to use non-local personnel to support the entity's operational functions during an emergency.